UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/681,409	03/30/2001	Andrew Rodney Ferlitsch	SLA0360	3201

				EXAMINER
52894	7590	07/29/2005		EBRAHIMI DEHKORDY, SAEID

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ART UNIT	PAPER NUMBER
2626	

DATE MAILED: 07/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO 90C (Rev 10/03)

	Application No.	Applicant(s)
Office Action Summary	09/681,409	FERLITSCH ET AL.
	Examiner	Art Unit
	Saeid Ebrahimi-dehKordy	2626

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 2 MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on *22 February 2005*.

2a) ☒ This action is **FINAL.** 2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *1-26* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) *1-26* is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All b) ☐ Some * c) ☐ None of:

      1. ☐ Certified copies of the priority documents have been received.

      2. ☐ Certified copies of the priority documents have been received in Application No. _____.

      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

Response to Amendment

1.   Applicant's arguments with respect to claim 1-26 have been considered but are moot in

view of the new ground(s) of rejection.

Applicant argues and makes the point that print processor of applicant's invention is the novel

Applicant also argues that the print processor of applicant is a robot device in such that unlike

print driver is not printer specific and that the print processor is designed to work with many type

of printers. Examiner points out the new rejection is pointing out this argument and introduces

the print network monitor of Mima et al which is not specific to a limited printers and in fact

detects the status of the printer in the network without accessing the server as amended in the

claims.

Claim Rejections - 35 USC § 102

2.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3.   Claim1, 8-9, 11-24 are rejected under 35 U.S.C. 102(e) as being anticipated by Mima et

al (Pub No.: US 20020101604)

Regarding claim 1 Mima et al disclose: A method for detecting the status of printers on

a network using a print processor (note Fig.5 item 17 the network print monitor which in

acts as the print processor in this case by checking the status of the printers in the print

system, note page 4 paragraph 0042 where the network print monitor is sending the

status of the print system to the document monitor) said method comprising the acts of:

sending a signal to a client print processor and detecting the status of printers on a

network from said print processor through a communication between said print

processor and said printers that does not access a server_note page 2 paragraph 0016

and page 3 and 4 paragraph 0042 where the signal is send to the printer to check and

query the status of the printers through the network print monitor and thereon reported

to the document monitor for routing the print jobs to the specific printer without the use

of any server to access the printers).

Regarding claim 8 Mima et al disclose: A method of improving the probability of

successful print task completion using a status detecting print processor (note Fig.5

item 17 the network print monitor which acts as the print processor for detecting the

status of the printers in the network, page 2 paragraph 0016 and page 3&4 paragraph

0042) said method comprising: sending a print task to a client print processor (note

Fig.5 item 17 the network print monitor or in this case print processor which receives

print job or print tasks form the document generating application through device driver

and document monitor, page 3&4 paragraph 0042) detecting from said print processor

and without receiving printer information from a server the status of a plurality of printing

devices (note page 4 paragraph 0042 lines 2-4 where the document monitor is queries

the printer system as to the status of the printers without assistance from any server)

and directing said print task to an available printing device among said plurality of

printing devices (note page 4 paragraph 0042 lines 8-13).

Regarding claim 9 Mima et al disclose: The method of claim 8 wherein said status of a

plurality of printing devices is presented to a user for selection of one or more available

devices and said directing directs said print task to a device selected by said user (note

page 4 paragraph 0042 lines 5-14).

Regarding claim 11 Mima et al disclose: The method of claim 8 wherein said print

processor may also modify a print task to enable cluster printing functions (note page 4

paragraph 0042 lines 4-9).

Regarding claim 12 Mima et al disclose: The method of claim 11 wherein said

modifying said cluster-printing functions comprise job splitting (note page 4 paragraph

0048 and 0049 Fig.6)

Regarding claim 13 Mima et al disclose: The method of claim 11 wherein said

modifying said cluster-printing functions comprise copy splitting (note page 4 paragraph

0049).

Regarding claim 14 Mima et al disclose: The method of claim 11 wherein said

detecting determines a number of available printing devices and said modifying divides

said initial print task into a number of modified print tasks equal to said number of

available printing devices (note page 4 paragraphs 0048 and 0049).

Regarding claim 15 Mima et al disclose: A method for improving printing system

capability and performance without addition of hardware or modification of application

software (note Fig.5, page 4 paragraph 0046 where the network print monitor would

improve the printing system capability without the addition of any software or hardware)

said method comprising: removing a non-status-detecting client print processor (NPP)

from a printing system (note Fig.5 page 4 paragraph 0046 lines 15-16 where, when the

new printer is added to the network, the changes added to the printer information

module 43 which acts as a print processor through the module 47 of Fig.5 a printer

processor in this case is changed regarding he new printer being added to the system

printers, page 4 paragraph 0046 lines 8-14) and replacing said NPP with a status-

detecting client print processor (SDPP) (note Fig.5, paragraph 0046 lines 13-15 where a

printer is removed and new printer is added to the system of printers and the printer

processor or in this case the print information 43 is updated or in other words changed

base on the new added and deleted printer).

Regarding claim16 Mima et al disclose: The method of claim 15 wherein said SDPP is

also cluster enabling (note page 4 paragraph 0042 lines 1-15 where the jobs are split

between printers to be printed by the aid of network monitor17 including print

information 43 of Fig.5).

Regarding claim 17, 19 and 20 Mima et al disclose: A computer readable medium

comprising instructions for performing functions within a client print processor (note

Fig.2 item 15a the print processor or in this case the document monitor which acts as

print processor in combination with the network print monitor 17 of Fig.5 for interpreting

the print job received from the device driver) said instructions comprising the acts of:

interpreting print task data (note Fig.3 item 15a, interpreting the print job received from

the device driver) and detecting the status of printing devices without receiving print

information from a server (note page4 paragraph 0042 lines 2-4 where the printer

monitor is querying the network print monitor 17 of Fig.5 for the status of the printers

without the use of any server, page 2 paragraph 0016).

Regarding claim18 Mima et al disclose: The computer readable medium of claim 17

further comprising instructions for the act of redirecting a print task from its original

destination to at least one other destination (note page 3 and 4 paragraph 0042 where

the originated job by the application is routed through the document monitor 15a of

Fig.2 to the plurality of printers in form of print splitting).

Regarding claim 21 Mima et al disclose: A method of printing using a status detecting

print processor, said method comprising: selecting a preferred printer group (note page

5 paragraph 0053 where the group of printers which could be printing color or the high

speeding printers would be selected) modifying said print task to enable cluster printing

thereby creating a plurality of modified print tasks (note Fig.2 item 15a the document

monitor or in this case print processor which splits the print job to plurality of print jobs,

page 4 paragraph 0042 lines 1-14) detecting from said print processor the status of a

plurality of printing devices comprising said preferred printer group; without receiving

printer information from a server (note page 4 paragraph 0042 lines 2-4 where the

document monitor is queries the printer system as to the status of the printers without

assistance from any server) directing said modified print tasks to said preferred printer

group when all of the printers within said preferred printer group are available (note

page 5 paragraph 0052 where the modified print task in terms of color or fastness are

assigned to the specific group of printers available to print) and forming a second group

of printers comprising the available printers within said preferred group and other

available printers and sending said modified tasks to said second group when said

second group comprises a sufficient number of printers to print said modified print tasks

(note page 5 paragraph 0055 where the preferred printers are specified to carry the fast printing and color printing within the group of printers).

Regarding claim 22 Mima et al disclose: The method of claim 21 further comprising selecting a group of backup printers from which said other available printers may be chosen (note page 5 paragraph 0053 lines 12-16 where the set of printers are selected to print the higher quality then the predetermined printers could).

Regarding claim 23 Mima et al disclose: The method of claim 21 further comprising reconfiguring said modified print tasks to require fewer printers when a sufficient number of available printers cannot be found (note page 5 paragraph 0055,0056 and 0057 where the page calculation is done to make the printing more efficient and therefor less needs of printers)

Regarding claim 24 Mima et al disclose: The method of claim 21 further comprising forming a third group of printers comprising any available printers from said preferred group, any other available printers and any busy printers and directing said modified print tasks to said third group (note page 5 paragraph 0053 where different groups of printers are set to print plurality of combination of pages for example the color printing could be sent to the different group of printers).

Claim Rejections - 35 USC § 103

4.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5.   Claim 2-5 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mima et

al (Pub. No.: US 20020101604) in view of Snipp (U.S. Patent 5,699,495)

Regarding claim 2 Mima does not quite teach: The method of claim 1 wherein said

signal is a print task. On the other hand Snipp discloses: The method of claim 1 wherein

said signal is a print task (please note column 7 lines 50-54). Therefore it would have

been obvious to a person of ordinary skill in art at the time of the invention to modify

Mima et al's invention according to the teaching of Snipp, where Snipp in the same filed

of endeavor teaches the way the signal is being send through the print processor of

Snipp as a print task in order to check the status of the printers.

Regarding claim 3 Snipp discloses: The method of claim 1 wherein said detecting

comprises obtaining network print queue information (note column 4 lines 17-29).

Regarding claim 4 Snipp discloses: The method of claim 1 wherein said detecting

comprises bidirectional communication between a print processor, a port manager and

a printing device (note column 10 lines 55-64).

Regarding claim 5 Snipp discloses: The method of claim 1 wherein said detecting

comprises accessing data from a Management Information Base (MIB) (note column 3

lines 64-67 and column 4 lines 1-15).

Regarding claim 10 Snipp discloses: The method of claim 8 wherein a default printing

device is selected by a user prior to said detecting and said directing directs said print

task to said default device when said default device is available (please note column 10

lines 23-63).

Claim Rejections - 35 USC § 103

6.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

7.   Claim 6-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mima et al

(Pub. No.: US 20020101604) in view of Schaeffer (Pub. No.: US 20040105122)

Regarding claim 6 Mima et al do not quite disclose: The method of claim 1

wherein said detecting comprises communication with a printing device using a protocol

selected from the group consisting of Simple Network Management Protocol (SNMP),

Remote Management (RMON) and Internet Printing Protocol (IPP). On the other hand

Schaeffer discloses: The method of claim 1 wherein said detecting comprises

communication with a printing device using a protocol selected from the group

consisting of Simple Network Management Protocol (SNMP), Remote Management

(RMON) and Internet Printing Protocol (IPP) (please note page 3 paragraph 0036 lines

11-16 where the SNMP protocol is used to ping the printer).

Therefore it would have been obvious to a person of ordinary skill in art at the time

of the invention to modify Mima et al's invention according to the teaching of Schaeffer,

where Schaeffer in the same filed of endeavor teaches the way the communication

between the client and the printers is modified for the purpose of using the different

protocols to communicate more effectively between devices in the network.

Regarding claim 7 Schaeffer discloses: The method of claim 1 wherein said detecting comprises the use of an Application Program Interface (API) call (please note page 6 paragraph 0057).

Claim Rejections - 35 USC § 103

8.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

9.   Claims 25-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mima et al (Pub. No.: US 20020101604) in view of Yacoub (U.S. patent 6,552,813)

Regarding claim 25 Mima et al do not quite disclose: The method of claim 21 further comprising entering a wait period when a sufficient number of printers are not available and rechecking for available printers after said wait period. On the other hand Yacoub discloses: The method of claim 21 further comprising entering a wait period when a sufficient number of printers are not available and rechecking for available printers after said wait period (please note column 11 lines 61-67 and column 12 lines 1-3). Therefore it would have been obvious to a person of ordinary skill in art at the time of the invention to modify Mima et al's invention according to the teaching of Yacoub, where Yacoub in the same filed of endeavor teaches Kojima the way the job send from the client will wait for the printer to become available and if not the processor searches to find the most available printer for the purpose of getting the job printed faster.

Regarding claim 26 Yacoub discloses: The method of claim 21 further comprising activating a user prompt to solicit user input (please note column 11 lines 28-67 and column 12 lines 1-3).

Claim Rejections - 35 USC § 101

10.   35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

11.   Claim 19 is also rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The computer data signal claimed is merely a set of data signal per se. Since the a computer data signal embodied in an electronic transmission computer program is merely a set of instructions and not stored in the computer readable medium, the claimed subject matter is non-statutory. See MPEP 2106 IV.B.1.

Conclusion

12.   Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the date of this

final action.

Contact Information

➢ Any inquiry concerning this communication or earlier communications from the

examiner should be directed to *Saeid Ebrahimi-Dehkordy* whose telephone number

is (571) 272-7462.

The examiner can normally be reached on Monday through Friday from 8:00 a.m. to

5:30 p.m. If attempts to reach the examiner by telephone are unsuccessful, the

examiner's supervisor, Kimberly Williams, can be reached at (571) 272-7471.

Any response to this action should be mailed to:

Assistant Commissioner for Patents
Washington, D.C. 20231

Or faxed to:

(571) 273-8300, (for *formal* communications; please mark
"EXPEDITED PROCEDURE")

Or:

(703) 306-5406 (for *informal* or *draft* communications, please label
"PROPOSED" or "DRAFT")

Hand delivered responses should be brought to Knox building on 501 Dulany
Street, Alexandria, VA.

Any inquiry of a general nature or relating to the status of this application should be

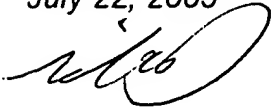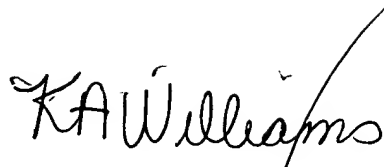directed to the Group Receptionist whose telephone number is (703) 305-4750.

Saeid Ebrahimi-Dehkordy
Patent Examiner
Group Art Unit 2626

July 22, 2005

KIMBERLY WILLIAMS
SUPERVISORY PATENT EXAMINER